

SEP 28 '06 15:33 FR BUCH ING AND ROONEY

TO 915712738300#256 P.05

Att'y Ref. No. 030738

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 28 2006

In re Application of: : PATENT APPLICATION
: :
Lhing-Yew Li, et al. : POLYNUCLEOTIDE CONSTRUCTS
: ENCODING ASPARTATE KINASE,
: ASPARTATE-SEMIALDEHYDE
: DEHYDROGENASE, AND
: DIHYDRODIPICOLINATE REDUCTASE
: AND RELATED CONSTRUCTS, PRODUCTS,
: AND METHODS
: :
Serial No.: 10/067,974 : Group Art Unit: 1656
: :
Filed: February 8, 2002 : Examiner: Steadman, David J.
: :
Pittsburgh, Pennsylvania 15219

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

THIRD RESPONSE AFTER FINAL OFFICE ACTION

Sir:

This is a response to the Official Action mailed on May 1, 2006 and having a shortened statutory deadline for reply of August 1, 2006. This document is also filed in response to the Advisory Action mailed by the Office on August 9, 2006, and to the second Advisory Action mailed by the Office on September 21, 2006. It is believed an extension of time of two months is necessary to make this response timely, and a petition and the fee for same are included herein. If a further extension is required to make this response timely, kindly grant one and deduct the fee for same from Deposit Account No. 02-4800, in the name of Buchanan Ingersoll PC.

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The Examiner's objections and rejections in this case have been carefully considered and in view of the following remarks and amendments, reconsideration and early allowance of all pending claims is courteously requested. Applicants' response takes into account the requirements of 37 C.F.R. § 116 and is intended to place into condition for allowance those claims previously indicated as allowable by the Examiner. Applicants' response further takes into account that neither the amendments submitted in the August 1, 2006, Response nor those submitted in the August 25, 2006, Second Response were entered. Please amend this application as follows:

Amendments to the claims are reflected in the Listing of Claims which begins on page 3 of this paper.

Remarks/Arguments being on page 8 of this paper.

Conclusion begins on page 10.